

7 FAM 820 AUTHORITIES

(CT:CON-449; 03-25-2013)
(Office of Origin: CA/OCS/L)

7 FAM 821 SUMMARY

(CT:CON-110; 09-13-2005)

This subchapter lists the treaties, federal laws, and federal regulations that authorize the provision of notarial and authentication services abroad. It also describes the laws of the states of the United States related to the recognition of notarial services provided abroad.

7 FAM 822 TREATIES

(CT:CON-449; 03-25-2013)

a. Multilateral Consular Convention:

- (1) Article 5(f) of the Vienna Convention on Consular Relations (VCCR) and comparable provisions in bilateral consular conventions provide that consular functions include “acting as a notary and in capacities of a similar kind, and performing certain functions of an administrative nature, provided that there is nothing contrary thereto in the laws and regulations of the receiving State.”
- (2) Article 5(m) of the VCCR provides that consular functions include “performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.
- (3) See Treaties in Force available on the Department of State Internet page to determine whether the host country is party to the VCCR.

b. Bilateral Consular Conventions. Some bilateral consular conventions contain provisions relevant to notarial and authentication services. Check Treaties in Force on the Department of State Internet page to determine whether there is a bilateral consular convention in force between the United States and the host country. See also the bilateral consular conventions feature on the Consular Affairs Internet page and the treaties feature on the CA/OCS Intranet page. For the text of bilateral consular conventions not available on these sites

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contact CA/OCS/L at Ask-OCS-L@state.gov.

Bilateral Consular Conventions ... Selected Examples ...

Article 9, paragraph 2d. Convention Between the United States of America and the Austro-Hungarian Monarchy, July 11, 1870

Article 6, U.S. – France Consular Convention, February 23, 1853

- c. Other Multilateral Conventions: There are other multilateral agreements related to notarial and authentication services to which the United States is a party, including:
- (1) Protocol on Uniformity of Powers of Attorney Which are to be Utilized Abroad. Check Treaties in Force on the Department of State Internet page to confirm whether the host country is also a party.
 - (2) Hague Convention Abolishing the Requirement of Legalization of Foreign Public Documents (28 U.S.C. App, Rule 44, Notes). Check Treaties in Force on the Department of State Internet page to confirm whether the host country is also a party. See also the Hague Conference on Private International Law Hague Apostille Status page. The Hague Legalization should not/not be used for authentication of extradition documents. See Hague Apostille Convention, U.S. instruments of accession/declaration and 7 FAM 1600. For detailed information about the convention, see 7 FAM 870.

7 FAM 823 FEDERAL STATUTES AND REGULATIONS ON PROVISION OF NOTARIAL SERVICES ABROAD

7 FAM 823.1 Statutes

(CT:CON-110; 09-13-2005)

- a. Notarizing Officers at Posts Abroad. Federal statutes authorizing notarial services by consular officers, diplomatic officers and/or other designated U.S. citizen employees of the Department include:
- (1) 22 U.S.C. 4215 Notarial acts, oaths, affirmations, affidavits, and depositions; fees.
 - (2) 22 U.S.C. 4221 Depositions and notarial acts; perjury.
 - (3) 15 U.S.C. 1061 Execution of Acknowledgments and Verifications - Trademarks

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- (4) 35 U.S.C. 115 Oath of Applicant – Patents
- (5) 35 U.S.C. 261 Assignment of Ownership – Patents
- b. Other Persons Authorized by U.S. Law to Perform Acts of a Notary Abroad
 - (1) U.S. Military: Certain officials of the U.S. military are authorized to perform notarial acts abroad.
 - (a) 10 U.S.C. 936 Authority to Administer Oaths and to Act as Notary – Department of Defense;
 - (b) 10 U.S.C. 1044a Authority to Act as Notary – Department of Defense;
 - (c) 14 U.S.C. 636 Administration of Oaths – U.S. Coast Guard.
 - (2) Other Federal Laws: In addition, federal law authorizes certain officials of other agencies and offices to perform notarial actions abroad.
 - (a) 33 U.S.C. 875 Power of Officers as Notarials - National Oceanic and Atmospheric Administration (NOAA)
 - (b) 22 U.S.C. 3306(a)(1) Services to United States Citizens on Taiwan
- c. Foreign Service National Employees (FSNs): Federal agencies may delegate FSN's the authority to perform notarial functions with respect to their documents. 22 U.S. Code 3903(6), which includes administrative functions among the duties of Foreign Service national employees (FSN's), authorizes the performance of such functions. See 7 FAM 880 for additional information about notarials related to federal and state agencies.

7 FAM 823.2 Regulations

(CT:CON-110; 09-13-2005)

The Department's regulations on notarial acts are found in 22 CFR 92.1 – 92.35.

7 FAM 824 AUTHENTICATION OF DOCUMENTS

(CT:CON-110; 09-13-2005)

There is no statute in Title 22 of the U.S. Code specifically authorizing consular and diplomatic officers to authenticate documents.

7 FAM 824.1 Statutes

(CT:CON-110; 09-13-2005)

A number of statutes, as well as various Federal Rules, provide that documents authenticated by a consular officer may be accepted into evidence in federal courts. For example:

- (1) 28 U.S.C. 1740 Copies of Consular Papers;

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- (2) 28 U.S.C. 1741 Foreign Official Documents;
- (3) Rule 902(3) Federal Rules of Evidence;
- (4) Rule 44(a)(2) Federal Rules of Civil Procedure; and
- (5) Rule 27 Federal Rules of Criminal Procedure.

7 FAM 824.2 Regulations

(CT:CON-110; 09-13-2005)

Federal Regulations on Authentication: The Department's regulations on authentication of documents are found in 22 CFR 92.36 – 22 CFR 92.41.

7 FAM 825 FEDERAL STATUTES AND REGULATIONS ON CERTIFICATION OF TRUE COPIES OF DOCUMENTS ABROAD

(CT:CON-110; 09-13-2005)

- a. There is no specific authority for notarizing officers to certify true copies of documents. This is a discretionary, nonessential function.
- b. 22 CFR 92.76(a) provides that a notarizing officer may have documents, or abstracts from documents, copied at a Foreign Service post. This service may be necessary in connection with the certification of copies of documents. Fees should be charged for both the photocopying and the notarial service in accordance with 22 CFR 22.1 Schedule of Fees for Consular Services.

7 FAM 826 VALIDITY OF NOTARIAL ACTS BY NOTARIZING OFFICERS ABROAD UNDER STATE AND TERRITORIAL LAWS

(CT:CON-449; 03-25-2013)

- a. Use in State or Territory: Whether a notarial act performed by a Department of State notarizing official is valid for use in a state or territory of the United States depends on the law of the particular state or territory. The laws vary widely. The only reliable way to confirm whether a notarial act may be acceptable under state or territorial law is to refer to the individual state laws, summarized below, or to consult the state notary public administrators. See the Notary Public Administrators Section State web pages.

Note: See Martindale-Hubbell Law Directory Law Digest Volume, State Laws on Acknowledgments (search under natural language, term:

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acknowledgment/select state on LEXIS NEXIS available to you from U.S. DEPARTMENT OF STATE LIBRARY). Questions: Contact us at Ask-OCS-L@state.gov

- b. Conflict With State Law About Notarial Services Provided by Notarizing Officers Other than Consular and Diplomatic Officers: Under the laws of some states, notarial services performed overseas by notarizing officers other than consular and diplomatic officers are valid only if the signature and seal of the notarizing officer only if authenticated by the U.S. Department of State Authentications Office. See 7 FAM Exhibit 826 for a summary of state laws.

Note: CA/OCS/L is surveying each state to confirm whether notarial acts performed by persons other than diplomatic and consular officers are acceptable under state law.

- c. Chiefs of Mission, Ambassadors, Ministers:
- (1) Note that while state law may make reference to Ambassadors, Ministers, etc., as 22 CFR 92.4(d) explains, Chiefs of Mission, that is ambassadors and ministers, have no authority under Federal law to perform notarial acts except in connection with extradition papers. See 22 CFR 92.40 and 7 FAM 1600.
 - (2) Specific authorization must be obtained from the Deputy Assistant Secretary for Overseas Citizens Services in accordance with 22 CFR 92.1(d) for Chiefs of Mission, Ambassadors or Ministers in order for Chiefs of Mission, Ambassadors or Ministers to perform notarial acts. This authorization generally is granted only after the individual has completed consular training, and only if there are no consular officers available to provide the service.

7 FAM Exhibit 826

VALIDITY OF NOTARIAL SERVICES OUTSIDE THE UNITED STATES UNDER STATE LAW

(CT:CON-449; 03-25-2013)

STATE LAWS IN THE UNITED STATES REGARDING NOTARIAL SERVICES PERFORMED OUTSIDE THE UNITED STATES

Alabama

Outside United States. - Judge of court of record; mayor or chief magistrate of city, town, borough or county; notary public; diplomatic, consular or commercial agent of United States (35-4-26).

Alaska

Outside State. - Notarial acts, including acknowledgments, performed outside state will be recognized if performed by authorized notary public, justice, judge, magistrate, clerk or deputy clerk of court of record in place in which notarial act is performed, officer of foreign service of U.S., consular agency, or person authorized by regulation of Department of State, or other persons authorized to perform notarial acts in place in which act is performed. (09.63.050).

Arizona

Outside United States. - U.S. foreign service officer; consular agent; other person authorized by Department of State; foreign notary public with proof of authority. (33-501 to 33-502).

Arkansas

Outside U.S. - The acknowledgment of any instrument may be made without the United States before: (1) An ambassador, minister, charge d'affaires, counselor to or secretary of a legation, consul general, consul, vice-consul, commercial attache, or consular agent of the United States accredited to the country where the acknowledgment is made. (16-47-204)

California

Without United States. - May be made before minister, commissioner or charg'e d'affaires of United States, resident and accredited in country

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where made; consul, vice-consul or consular agent of United States resident in country where made; a judge of court of record of country where made; commissioners appointed by Governor or Secretary of State for that purpose; or notary public. If before notary public, notary public's signature shall be proved or acknowledged: (1) Before judge of court of record of country where proof or acknowledgment is made, or (2) by any American diplomatic officer, consul general, consul, vice consul or consular agent, or (3) by apostille (certification) affixed to instrument pursuant to terms of Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. (C.C. 1183). Commissioners no longer appointed. All authority to appoint commissioners (former Govt. C. 8300-8308) has been repealed.

Colorado

Outside United States. - Any instrument- see Uniform Recognition of Acknowledgments Act ("an officer of the foreign service of the United States, a consular agent, or any other person authorized by the regulations of the United States Department of State to perform notarial acts in the place in which the act is performed.") Instruments affecting interest in or title to real estate- judge, clerk or deputy clerk of any court of record, or chief magistrate or other chief executive officer of any province, colony, island possession, bailiwick, or mayor or chief executive officer of any city, town, borough, county or municipal corporation having seal, of foreign kingdom, empire, republic, state, principality, province, colony, island possession or bailiwick; or any ambassador, minister, consul, vice consul, consular agent, vice-consular agent, charge d'affaires, vice-charge d'affaires, commercial agent, vice-commercial agent, or diplomatic, consular or commercial agent or representative or deputy thereof of any government; and, additionally, if within any colony, island possession or bailiwick belonging to or under control of U.S., any judge, clerk or deputy clerk of any court of record, chief magistrate or other chief executive officer, mayor or chief executive officer of any city, town, borough, county, or municipal corporation having seal, or notary public. (38-30-126[3]-[4]).

There is sufficient proof of authority of person authorized by laws and regulations of foreign country to perform notarial act if either official seal of person performing notarial act is affixed to document, or, in case of electronic record, such information that is required in lieu of notary seal by laws of place granting notarial authority to person performing notarial act is attached to or logically associated with document. (12-55-204[2][b]).

Connecticut

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Without U.S.: in conveyance of real estate, ambassador, minister, charg'e d'affaires, consul, vice consul, deputy consul, consul general, vice consul general, deputy consul general, consular agent, vice consular agent, commercial agent or vice commercial agent of U.S.; notary public or justice of peace or any other public officer before whom oaths may be taken or acknowledgments made, of country where taken within territorial limits of his jurisdiction (§47-5A); for instrument pertaining to real property located in this state or power of attorney, any attorney admitted to bar of this state.

Delaware

Outside the United States. - Acknowledgment or proof of deed may be made before any U.S. consul general, consul, vice-consul, consular agent or commercial agent of U.S. at places of their official residences. (25-129).

District of Columbia

Outside United States: Notarial act made outside U.S. valid if performed by notary public or notary, judge, clerk or deputy clerk of court of record or other person properly authorized in foreign jurisdiction. Apostille or certificate by U.S. foreign service or consular official conclusively establishes validity of foreign notarial act. (§42-146).

Florida

In Foreign Countries. - Generally: Judge or justice of court of last resort, notary public of country where taken; U.S. minister, consul general, charg'e d'affaires, or consul resident in country where taken. Signature and seal of such individual required. (92.50[3], 695.03[3]). For instruments concerning real property: Above list excepting judge or justice of court of last resort; and adding commissioner of deeds appointed by Governor of Florida to act in foreign country or before any civil law notary or notary public having official seal, U.S. ambassador, envoy extraordinary, minister plenipotentiary, commissioner, vice consul, consular agent, or any other diplomatic or consular officer appointed to reside in country where taken; U.S. military or naval officer authorized by Laws or Articles of War of U.S. to perform duties of notary public. All acknowledgments require seal of acknowledging officer. (695.03[3]).

Georgia

Outside United States: consul or vice-consul of U.S. (44-2-21).

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Hawaii

Outside U.S. - Acknowledgment of instrument executed outside U.S. may be made by: (1) Any officer now authorized by laws of Hawaii; (2) any officer of U.S. diplomatic service, certified under his seal of office; and (3) any person authorized by law of his country to take acknowledgments, when accompanied by certificate of his authority and that acknowledgment complies with laws of his country. Such certificate may be made by diplomatic or consular officer of U.S. or by diplomatic or consular officer of such foreign country resident in Hawaii. (502-47[a]).

Idaho

Outside United States: Minister, commissioner or charg'e d'affaires of United States resident in and accredited to country where taken; consul or vice-consul of United States resident there; judge of court of record; commissioner appointed for such purpose by Governor of Idaho; notary public. (55-704).

Illinois

Outside United States. - May be taken before any court of any republic, dominion, state, kingdom, empire, colony, territory or dependency having a seal, or any judge, justice or clerk thereof, any major or chief officer of any city or town having a seal, notary public, commissioner of deeds, ambassador, minister or secretary of legation, or consul of United States, vice consul, deputy consul, commercial agent or consular agent of United States, attested by his official seal, or any officer authorized by laws of place where taken to take acknowledgments of conveyances of real estate or to administer oaths in proof of conveyances of real estate. Such acknowledgment must be attested by official seal of court or officer; or if no official seal, then certificate by ambassador, minister, secretary of legation, consul, vice consul, deputy consul, commercial agent or consular agent of United States residing in such place, under his official seal, showing court or officer was duly elected, appointed or created and acting at time of acknowledgment must be added. (765-5/20).

Indiana

Outside of the United States. - To entitle instruments made in foreign countries to record in this state, they must be acknowledged by the grantor or person executing the same and proved before diplomatic or consular official of the United States duly accredited or before any officers of such countries who by the law thereof, are authorized to take

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acknowledgments or proof of conveyances, and if such acknowledgment or proof is in English language and attested by official seal of such officer, it shall be sufficient to admit such instrument to record, but if in some other language or not attested by such official seal, then such instrument must be accompanied by a certificate of officer of U.S., as aforesaid, to effect that it is duly executed according to laws of such foreign countries, that officer certifying to acknowledgment or proof had legal authority to do so, and giving meaning of certificate if same is made in foreign language. (IC32-21-1-11).

Iowa

Notarial acts under federal authority have same effect under law of Iowa as if performed by notarial officer of Iowa, if notarial act is performed anywhere by any of following persons under authority granted by law of United States: judge, clerk, or deputy clerk of court; commissioned officer on active duty in military service of United States; officer of foreign service or consular officer of U.S.; any other person authorized by federal law to perform notarial acts. (9E.12).

Kansas

Outside U.S. - By notary public or notary, or judge, clerk or deputy clerk of court of record, or any other person authorized by law of that jurisdiction to perform notarial acts. (53-507).

Kentucky

Outside United States. - Any foreign minister, secretary of legation, officer in U.S. consular service, secretary of foreign affairs, notary public or judge or clerk of superior court of nation where taken. (KRS 423.110). Official seal required on deed. (KRS 382.150). Officer of foreign service of U.S., consular agent or other person authorized by regulation of U.S. Department of State to perform notarial acts in place where act is performed. (KRS 423.110).

Louisiana

Without United States: Ambassador, minister, envoy or charg'e d'affaires, secretary, of legation, consul general, consul, vice consul or commercial agent of U.S., in country to which he is accredited; any officer of U.S., notary public or commissioner or other agent of Louisiana authorized to take acknowledgments, if such officer has official seal, and is commissioned or accredited to act where acknowledgment is taken. (T. 35, §9 as amended Act 240 of 1980). Commissioned officer of U.S. Army,

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Navy, Marine Corps or Coast Guard may take acknowledgments in foreign country.

Maine

Outside U.S. - Minister, consul or vice-consul of U.S. or notary public in any foreign country.

Maryland

Outside United States. - Before: (1) Ambassador, minister, charg'e d'affaires, counselor to or secretary of legation, consul general, consul, vice-consul, commercial attach'e or consular agent of United States accredited to country where acknowledgment is made; (2) notary public of country where made; (3) judge or clerk of court of record of country where made. (§19-104).

Massachusetts

Outside the United States. - If in a foreign country, acknowledgments must be before a justice of the peace, notary, magistrate, commissioner (as described in preceding paragraph), ambassador, minister, consul, vice-consul, charg'e d'affaires, or consular officer or agent of U.S. accredited to such country. If made before U.S. official, there must be certification by him under his seal of office. (c. 183, §30).

Michigan

Outside U.S. - Any officer of foreign service of U.S., consular agent or any other person authorized by regulations of U.S. Department of State to perform notarial acts in place in which act is performed, notary public or any other person authorized to perform notarial acts in place in which act is performed, or any judge, clerk, or deputy clerk of any court of record upon presentation of satisfactory evidence, such as picture identification (MCLA §565.262); and in addition, as to deeds, any minister plenipotentiary, minister extraordinary, minister resident, charg'e d'affaires, commissioner, or consul of U.S. appointed to reside there (MCLA §565.11). See also infra, subhead Persons in or with U.S. Armed Forces.

Minnesota

Outside the United States. - Uniform Law on Notarial Acts adopted. (358.41 et seq.).

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Mississippi

Outside the United States. - Acknowledgment of instrument affecting real estate or personal property may be taken by any court of record or mayor or chief magistrate of any city, borough or corporation of foreign country or before any commissioner for Mississippi residing in such country, or before any ambassador, foreign minister, secretary of legation, or consul of U.S. to foreign country, or before notary public or other person authorized by foreign country to take oaths or acknowledgments, but certificate must show that party or party and witness were identified before officer, and that party acknowledged execution of instrument, or that execution was duly proved by witness. (89-3-13).

Missouri

Outside United States: Court of any state, kingdom or empire, having official seal; mayor or chief officer of any city or town having a seal; U.S. minister or consular officer; notary public having a seal. (442.150).

Montana

Foreign Notarial Acts. - Valid under Montana law as if performed by notarial officer if it is performed within jurisdiction of and under authority of foreign nation by any of following persons: notary public or notary; judge, clerk, or deputy clerk of court of record; or any other person authorized by law of that jurisdiction to perform notarial acts. (1-5-608).

Nebraska

Outside U.S.: U.S. minister plenipotentiary, extraordinary or resident charg'e d'affaires, commissioner, commercial agent or consul appointed to reside in country where taken; notary public under his seal. (76-226).

Nevada

Federal Authority. - If performed anywhere by following under Federal authority: judge or clerk of court, commissioned officer on active duty in U.S. Military service, foreign service officer or consular officer of U.S., or any other person authorized by federal law to perform notarial acts. (240.1645).

Without U.S. - If performed within jurisdiction of and under authority of foreign nation, its constituent units or multi-national or international organization by: notary public or notary, judge or clerk of court of record, or any other person authorized by law of that jurisdiction to perform

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notarial acts (240.165).

New Hampshire

Without United States: See §2 of Uniform Act, United States ambassador, minister, envoy or charg'e d'affaires in country to which accredited; any consular officer of United States; notary public; commissioner or other agent of New Hampshire having an official seal and power to take acknowledgments in such places. (c. 477, §4).

New Jersey

Outside State. - Any oath, affirmation or affidavit required or authorized to be taken for any lawful purpose (except official oaths and depositions required to be taken upon notice) may be taken before notary public of state, territory, nation, kingdom, or country in which same shall be taken, or before any officer authorized by New Jersey law to take acknowledgments of deeds in such state, territory, nation, kingdom or country (see topic Acknowledgments). Official seal of officer administering oath is advisable. (Tit. 41, c. 2, §17; but see 77 N.J. Eq. 17, 76 A. 555).

New Mexico

Outside of the United States: Judge, clerk, deputy clerk of court, commissioned officer on active duty in military service of U.S., officer of foreign service or consular officer of U.S. or any other person authorized by federal law. (14-14-5).

New York

Outside U.S. - May be taken before: (1) Diplomatic or consular agent or representative of U.S. residing within country where acknowledgment or proof taken; (2) judge or other presiding officer, or clerk or officer of court having seal; (3) mayor or chief civil officer of any city or other political subdivision; (4) notary public; (5) commissioner of deeds appointed pursuant to laws of this state to take acknowledgments or proofs without state; (6) person residing in or going to place, specially authorized to take acknowledgments or proofs by commission issued under seal of New York supreme court; (7) person authorized by laws of place to take acknowledgments of conveyances of real property or to administer oaths in proof of execution thereof. (R. P. L. §301).

Acknowledgment pursuant to §301 may be taken under law of New York State or by laws of country where taken if accompanied by certificate of conformity. (R. P. L. §301-a).

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North Carolina

Without State, Whether Within or Without United States. - Judge or clerk of a court of record; notary public; commissioner of deeds or of oaths; mayor or chief magistrate of an incorporated town or city; ambassador, minister, consul, vice-consul, consul general, vice-consul general or commercial agent of U.S.; justice of the peace of any state or territory of U.S.; or, with respect to persons in U.S. Armed Forces, officer of U.S. Army, U.S. Air Force, Marine Corps, U.S. Navy, Coast Guard or Merchant Marine having rank of warrant officer or higher. (47-2).

North Dakota

Foreign Acknowledgments. - Uniform Recognition of Acknowledgments Act, "An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulations of the United States Department of State to perform notarial acts in the place in which the act is performed." (47-14.1-14.8)

Ohio

Outside U.S. - Acknowledgment may be taken by any person authorized under laws of place of taking. (§§147.51; 5301.06). For sufficiency of proof of authority of such persons, see §147.52(B).

Oklahoma

Outside State but Within United States, Its Possessions and Canada. - May be taken before any notary public, clerk of a court of record, or commissioner of deeds. (16-35).

Other Foreign Countries. - May be taken before any court of record or clerk of such court, or any U. S. consul. (16-35).

Oregon

Outside the U.S. - Notary public or notary, judge, clerk, or deputy clerk of court of record, or any other person authorized by law of jurisdiction to perform notarial acts. "Apostille" in form prescribed by Hague Convention of Oct. 5, 1961, conclusively establishes that signature of notarial officer is genuine and that officer holds designated office. Certificate by foreign service or consular officer of U.S. stationed in nation under jurisdiction of which notarial act was performed, or certificate by foreign service or consular officer of that nation stationed in U.S., conclusively establishes

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any matter relating to authenticity or validity of notarial act set forth in certificate. Official stamp or seal of officer listed above is prima facie evidence that signature is genuine, that person holds such title, and that person with that title has authority to perform notarial acts. If title of office and indication of authority to perform notarial acts appears either in digest of foreign law or list customarily used as source for that information, it conclusively establishes authority of officer with that title to perform notarial acts. (194.555).

Notarial Acts Under Federal Authority. - Notarial act is effective if performed anywhere by any of following persons under authority granted by law of U.S.: Judge, clerk or deputy clerk of court; commissioned officer on active duty with military services of U.S.; officer of foreign service or consular officer of U.S. or any other person authorized by federal law to perform notarial acts. Signature and title of person performing notarial act are prima facie evidence that signature is genuine and that person holds designated title. Signature and title of officer listed above conclusively establish authority of holder of that title to perform notarial act. (194.545).

Pennsylvania

Outside United States. - United States ambassadors, ministers plenipotentiary, *charg'es d'affaires*, or other persons appointed by United States to exercise public ministerial functions (21-222); consuls, vice or deputy consuls, commercial agents, vice or deputy commercial agents, notary public or judge or clerk of court of record of country where acknowledgment is made (21-223, 291.4); commissioners in chancery in any foreign country (21-224).

Puerto Rico

Certificate of acknowledgment taken in foreign country must be executed before any notary public, any minister, commissioner, or *charg'e d'affaires* of U.S. resident in, or accredited to, country where acknowledgment is taken; any consul general, vice consul general, consul, vice consul, commercial agent, vice commercial agent, deputy consul or consular agent of U.S. in such country. Those before foreign notaries public must in turn be authenticated in manner provided for in country and also by U.S. consul or vice consul. (4-884). If foreign country in question has adhered to Convention Abolishing the Requirement of Legalization for Foreign Public Documents, authentication must be effected by apostille issued by that country's designated officer. (4-884).

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Outside the United States. - Ambassador, envoy, minister, charg'e d'affaires, secretary of legation, consul-general, consul, vice-consul, consular agent, vice consular agent, or any other diplomatic or consular agent or representative of U.S. appointed to and residing in country where acknowledgment taken; judge or other presiding officer of any court having a seal or clerk or other certifying officer thereof; mayor or chief civil officer of any city or other political subdivision; notary public; person specifically authorized for that purpose by a commission issued under seal of superior court; any person authorized by laws of country where acknowledgment made to take acknowledgments of conveyances of real estate. (34-12-2).

South Carolina

Without United States. - Ambassador, minister, consul general, consul, vice-consul or consular agent of U. S.; commissioner for South Carolina.

South Dakota

Outside United States: By any officer specified in §4, Uniform Acknowledgment Act (18-5-4), and also by Commissioner of U.S., resident and accredited in country where acknowledgment is taken, Commissioner of court of record of such country, officer authorized by laws of such country so to do, or any deputy of any of such officers authorized to appoint deputy (18-4-5).

Tennessee

Outside the United States. - Acknowledgments outside of United States and its territories must be taken before commissioner for Tennessee, notary public of such country, consul, charge d'affaires, envoy, minister or ambassador of U.S. in country to which he is accredited and where acknowledgment is made. (66-22-104).

Texas

Outside United States or Its Territories: Minister, commissioner or charg'e d'affaires of U.S. who is resident of and accredited in country where taken; consul-general, consul, vice-consul, commercial agent, vice-commercial agent, deputy consul or consular agent of U.S. who is resident in country where taken or notary public or any other official authorized to administer oaths in jurisdiction where taken.

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Utah

Outside State but within U.S. - Authorized notary public; judge, clerk or deputy clerk of any court where acknowledgment performed; authorized officer of foreign service of U.S.; consular agent; or any person authorized by regulation of U.S. Department of State. (57-2a-3[2]).

Outside U.S. - Same as Outside State but within U.S.

Vermont

Outside U.S. - Acknowledgment may be taken before justice, magistrate, or notary public in foreign country, or before commissioner appointed for that purpose by Governor of Vermont, or before minister, charge d'affaires, consul or vice-consul of U.S. in foreign country. (27-379).

Virgin Islands, U.S.

Outside Territory. - Acknowledgments may be taken by notary public authorized to take acknowledgments where performed, judge, clerk, or deputy clerk of any court of record where performed, or officer of U.S. foreign service authorized by U.S. State Department regulations to take acknowledgments where performed; or, if taken for member of, or person serving with or accompanying, U.S. armed forces, by commissioned officer in active service authorized by regulation to take acknowledgments. (28-82).

Virginia

Outside the United States. - Ambassador, minister plenipotentiary, minister resident, charg'e d'affaires, consul general, consul, vice-consul or commercial agent of United States; proper officer of any court of record; mayor or other chief magistrate of any city, town or corporation; all under official seal. (55-114).

Washington

Outside United States. - Acknowledgments taken in foreign countries may be taken by any minister, plenipotentiary, secretary of legation, charg'e d'affaires, consul general, consul, vice consul, consular agent, or commercial agent appointed by Government of U.S., or any notary public, or proper officer of any court of such country, or mayor or other chief magistrate of any city, town or other municipal corporation. (64.08.040). No authentication of officer's certificate is necessary.

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West Virginia

Outside United States. - Ambassador, minister plenipotentiary, minister resident charg'e d'affaires, consul general, consul, deputy consul, vice consul, consular agent, officer of U.S. foreign service, vice consular agent, commercial agent or vice commercial agent of U.S.; proper officer of any court of record in country where taken; mayor or chief magistrate of any city, town or corporation in country where taken or any other person authorized by regulation of U.S. Department of State. (c. 39, art. 1, §3; art. 1A, §1).

Wisconsin

Uniform Law on Notarial Acts (1982) adopted in 1983 (recreating sections that substantially conformed to Uniform Acknowledgment Act [1939, amended 1960] and Uniform Recognition of Acknowledgments Act [1968]) with following minor variation: court commissioner, register of deeds, deputy register of deeds, municipal judge and county clerk or deputy county clerk added to list of persons authorized to perform notarial act. (706.07[3]).

Authentication. - Instruments may be authenticated as provided under Uniform Law on Notarial Acts (1982, adopted 1983) (706.07[8]) or, if relating to land, by any public officer entitled to administer oaths or member of state bar in good standing by indorsing instrument "acknowledged", "authenticated", "signatures guaranteed", or other words to similar effect (706.06[2]).

Wyoming

Outside the United States: Any consul general, consul or vice consul of United States. (34-1-117).

Note: No information available regarding the laws of the Commonwealth of the Northern Mariana Islands, American Samoa or Guam regarding notarial acts. Contact CA/OCS/L at Ask-OCS-L@state.gov for guidance and we will pursue the matter with authorities in these jurisdictions. Requesters may wish to consult private legal counsel in these jurisdictions.

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